

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 92

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1303, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 23-1307, IDAHO CODE, TO REVISE CERTAIN WINE LICENSE REQUIREMENTS ASSOCIATED WITH RETAIL BEER LICENSES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23-1303, Idaho Code, be, and the same is hereby amended to read as follows:

23-1303. DEFINITIONS. (1) The following terms as used in this chapter are hereby defined as follows:

(a) "Dessert wine" means only those ~~beverages~~ wines that ~~are designated or labeled, pursuant to the federal alcohol administration act, as "sherry," "madeira" or "port,"~~ which contain more than sixteen percent (16%) alcohol by volume, but do not exceed ~~twenty-one~~ four percent (~~21~~24%) alcohol by volume. Dessert wine as defined herein shall not be deemed to be a spirit based beverage for the purposes of paragraph (g) of this subsection.

(b) "Director" means the director of the Idaho state police.

(c) "Distributor" means a person to whom a wine distributor's license has been issued.

(d) "Domestic produced product" means wine at least seventy-five percent (75%) of which by volume is derived from fruit or agricultural products grown in Idaho.

(e) "Importer" means a person to whom a wine importer's license has been issued.

(f) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(g) "Low proof spirit beverages" means any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by distillation mixed with drinkable water, fruit juices and/or other ingredients in solution. These products shall be considered and taxed as wine. Spirit based beverages exceeding fourteen percent (14%) alcohol by volume shall be considered as liquor and sold only through the division system.

(h) "Person" includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

(i) "Retailer" means a person to whom a retail wine license has been issued.

(j) "Retail wine license" means a license issued by the director, authorizing a person to sell table wine and/or dessert wine at retail for consumption off the licensed premises.

(k) "Table wine" shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(l) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(m) "Vintner" means a person who manufactures, bottles, or sells table wine or dessert wine to importers for resale within this state other than a licensed "winery" as herein defined.

(n) "Wine" includes table wine and dessert wine, unless the context requires otherwise.

(o) "Wine by the drink license" means a license to sell table wine or dessert wine by the individual glass or opened bottle at retail, for consumption on the premises only.

(p) "Wine distributor's license" means a license issued by the director to a person authorizing such person to distribute table wine or dessert wine to retailers within the state of Idaho.

(q) "Wine importer's license" means a license issued by the director to a person authorizing such person to import table wine or dessert wine into the state of Idaho and to sell and distribute such wines to a distributor.

(r) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(s) "Winery license" means a license issued by the director authorizing a person to maintain a winery.

(2) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and accepted meanings.

SECTION 2. That Section 23-1307, Idaho Code, be, and the same is hereby amended to read as follows:

23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK LICENSE, AND DISTRIBUTOR'S LICENSE. (1) No retail wine license, wine by the drink license, or wine distributor's license shall be issued to an applicant who at the time of making the application:

(a) If a corporation, has not qualified as required by law to do business in the state of Idaho;

(b) Has had a wine distributor's license, retail wine license, wine by the drink license, or wine importer's license revoked by the director within three (3) years from the date of making such application;

(c) Has been convicted of a violation of the laws of this state or of the United States governing the sale of alcoholic beverages, wine, or beer, within three (3) years from the date of making such application;

1 (d) Has been convicted of a felony or been granted a withheld judgment
2 following an adjudication of guilt of a felony within five (5) years
3 from the date of making such application;

4 (e) If an individual or partnership, either the individual or at least
5 one (1) of the partners of a partnership is not nineteen (19) years of
6 age or older~~+~~.

7 ~~(f) If the application is for a retail wine license or wine by the drink~~
8 ~~license, the director finds that the applicant does not possess a retail~~
9 ~~beer license issued by the director, except that~~

10 (2) Licensed wineries shall not be required to possess a retail beer
11 license ~~as a prerequisite to a separate retail wine license or wine by the~~
12 ~~drink license for sales~~ to sell wine on the winery's original licensed
13 premises or at locations other than the winery's original licensed premises.

14 (23) To determine qualification for a license, the director shall also
15 cause an investigation which shall include a fingerprint-based criminal
16 history check of the Idaho central criminal history database and the federal
17 bureau of investigation criminal history database. Each person listed as an
18 applicant on an initial application shall submit a full set of fingerprints
19 and the fee to cover the cost of the criminal history background check for
20 such person with the application.

21 SECTION 3. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after its
23 passage and approval.